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6

**FILED**

**MAY 17 2007**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JOKAELLE PORTER,

14 Defendant.  
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No. CR-07-70081 PVT

STIPULATION, WAIVER AND  
[PROPOSED] ORDER CONTINUING  
PRELIMINARY HEARING AND  
EXCLUDING TIME FOR INDICTMENT

16 **STIPULATION AND WAIVER**

17 The parties hereby stipulate and agree that the date currently set for preliminary hearing  
18 and/or arraignment may be continued for three weeks from May 17, 2007 to June 7, 2007 at 9:30  
19 a.m. Mr. Porter, by his signature below, further consents to extend by three weeks the time for  
20 preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose of  
21 the requested continuance is to facilitate the parties' efforts to reach a pre-indictment resolution.  
22 The parties further agree that the intervening three weeks may be excluded from the time within  
23 which an indictment shall be filed, as the reasonable time necessary for effective preparation  
24 under 18 U.S.C. §3161(h)(8)(A) and (B)(iv).  
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1 Dated: May 10, 2007

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s/  
CYNTHIA C. LIE  
Assistant Federal Public Defender

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4 Dated: May 10, 2007

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s/  
JOKAELLE PORTER  
Defendant

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7 Dated: May 2, 2007

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s/  
THOMAS M. O'CONNELL  
Assistant United States Attorney

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**[PROPOSED] ORDER**

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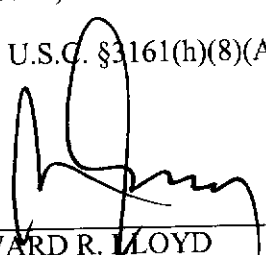
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Good cause appearing and by stipulation of the parties, it is hereby ordered that the date set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued from Thursday, May 17, 2007 to Thursday, June 7, 2007 at 9:30 a.m.

It is further ordered that 21 days shall be excluded from the time within which an indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

Dated: May 17, 2007

  
HOWARD R. LOYD  
United States Magistrate Judge